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10/797,210	03/10/2004	Mark R. Adler	042933/273558	4173
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ALSTON & BIRD LLP BANK OF AMERICA PLAZA 101 SOUTH TRYON STREET, SUITE 4000 CHARLOTTE, NC 28280-4000			AKBAR, MUHAMMAD A	
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/797,210	Applicant(s) ADLER, MARK R.
	Examiner MUHAMMAD AKBAR	Art Unit 2618

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If no period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) Responsive to communication(s) filed on 09 January 2008.

2a) This action is FINAL. 2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) Claim(s) 1-28 is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) Claim(s) _____ is/are allowed.

6) Claim(s) 1-28 is/are rejected.

7) Claim(s) _____ is/are objected to.

8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) All b) Some * c) None of:

1. Certified copies of the priority documents have been received.
2. Certified copies of the priority documents have been received in Application No. _____.
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) Notice of References Cited (PTO-892)

2) Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date 1/10/2008

4) Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____

5) Notice of Informal Patent Application

6) Other: _____

DETAILED ACTION

Response to Amendment

1. Applicant's amendments filed on 01/09/2008 have been entered. Claim(s) 1-24 have been amended. Claims 25-28 have been added as new.

Response to Arguments

2. Applicant's arguments filed 01/09/2008 have been fully considered but they are not persuasive.

Regarding claim 1, In response to the applicants arguments with respect to the amended claim 1 wherein applicant argues on page 10 that Wu et al does not teach or suggest " sending an audio coded tone representative of a separate multimedia object, or in turn decoding the coded tone to identify and present the representative multimedia object." The examiner respectfully disagrees.

Wu et al teaches a processing element (i.e. base station 10 of fig.1,3) is capable of sending an audio (i.e. content signal) to a mobile terminal (i.e. remote station 25 of fig.1,4) over an audio channel (i.e. audio data stream 12) (see fig.1 and col.2 lines 29-44), wherein the content signal (i.e. audio coded tone) comprises timing, identification, and control message by the **encoder** (11 of fig.1) , the content signal (i.e. coded tone) being representative of at least one audio equipment (i.e. multimedia object) (see fig.1,2 and col.2 lines 36-39, col.4 lines 14-28),and

mobile terminal (i.e. remote station 25 of fig.1,4) is capable of decoding the content signal (i.e. coded tone) by **decoder** (30 of fig. 1) andreassembled thereby

identify the multimedia object (i.e. audio equipment (5) like compact disc (CD) players, satellite audio and video receivers, computers) and each content signal (coded tone) represented by the audio equipments thereafter being driven to present the identified audio equipment (5) like compact disc players, satellite audio and video receivers, computers (i.e. multimedia object) (see fig.1,4 and col.2 lines 45-64,col.5 lines 44 -56, col.6 lines 21-28).

Therefore, Wu et al teaches encoder/decoder in both base station and mobile terminal (see fig.1) wherein coded and decoded audio tone as discussed above, and same reason is given for the claimed rejection 7, 13 and 19.

Claim Objection

3. Claim 28 is objected to because of the following informalities:

Regarding claim 28, the phrase "The computer program product of claim 13" appears to be "The computer program product of claim 19" because there is no such preamble contain in the claim 13.Thus, remainder of this office action examiner is considering the claim 28 was intended to depend on claim 19 . Appropriate correction is required.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. Claim(s) 1-24 are rejected under 35 U.S.C. 102(e) as being anticipated by Wu et al (U.S. Patent No. 7,046,999 B2) (hereinafter Wu).

Re claim 1, Wu discloses an apparatus (i.e. base station 10, remote station 25 of fig.1) comprising:

a processing element (i.e. RF transceiver, antenna, modulator, demodulator, controller (86) of base station 10 of fig.1,3) is configured to send an audio (i.e. content signal) to a mobile terminal (i.e. remote station 25 of fig.1,4) over an audio channel (i.e. audio data stream 12) (see fig.1 and col.2 lines 29-44),

wherein the content signal (i.e. audio coded tone) selectively comprises timing, identification and control message, and content signal (i.e. coded tone) being representative of at least one audio equipment (i.e. multimedia object) (see fig.1,2 and col.2 lines 36-39, col.4 lines 14-28), and

processing elements of mobile terminal (i.e. remote station 25 of fig.1,4) is configured to decode the content signal (i.e. coded tone) by decoder (30 of fig.1) and reassembled thereby identify the multimedia object (i.e. audio equipment (5) like compact disc players, satellite audio and video receivers, computers) and each content signal (coded tone) represented by the audio equipments thereafter to present the identified audio equipment (5) like compact disc players, satellite audio and video

receivers, computers i.e. multimedia object. (see fig.1,4 and col.2 lines 45-64, col.5 lines 44 -56, col.6 lines 21-28).

Re claim 2, as discussed above with respect to claim 1, Wu further discloses the processing element (i.e. base station 10 of fig.1,3) is processed to send an audio (i.e. content signal) to the mobile terminal (i.e. remote station 25 of fig.1,4) during an exchange of audio communication between the base station(10) and the remote station (25) (i.e. mobile terminal) over the audio channel (i.e. audio data stream 12) (see fig.1and col.2 lines 29-44).

Re claim 3, as discussed above with respect to claim 2, Wu further discloses the processing element (i.e. base station 10 of fig.1, 3) is processed to present an audio equipment (5) like compact disc players, satellite audio and video receivers, computers) i.e. multimedia object (see fig.1,2a and col. 5 lines 18-23) as audio communication is exchanged by control message and acknowledgement of receipt between the remote station (25) and base station (10) (see fig.1 and col.3 lines 9-15), wherein the base station (10) is processed to send content signal (coded tone) to the remote station and content signal represented audio equipment (5) like compact disc players, satellite audio and video receivers, computers)(i.e. multimedia object) (see fig.1,2a and col.2 lines 30-64, col.4 lines 23-28,col. 5 lines 18-23).

Re claim 4, as discussed above with respect to claim 3, Wu further discloses the processing element (i.e. base station 10 of fig.1, 3) is processed to send a content signal (coded tone) to the mobile terminal which is represented audio equipment (5) like compact disc players, satellite audio and video receivers, computers) (i.e. multimedia object) by the base station in response to present the audio equipment (see fig.1,2a and col.2 lines 30-64, col.4 lines 23-28,col. 5 lines 18-23).

Re claim 5, as discussed above with respect to claim 1, Wu further discloses the processing element (i.e. base station 10 of fig.1,3) is processed to send an audio (i.e. content signal) to a mobile terminal (i.e. remote station 25 of fig.1,4) over an audio channel (i.e. audio data stream 12) (see fig.1and col.2 lines 29-44),

wherein the content signal (audio) comprises timing, identification, and control message to form a packet (i.e. coded tone), the packet or content signal (i.e. coded tone) (see fig.1,2 and col.2 lines 36-39, col.4 lines 14-28),and

the remote station (25 of fig.1, 4) is capable of retrieving by block recovery circuits (106 of fig.4), from buffer memory(110 of fig.4), the identified the audio equipment (i.e. multimedia object) before presenting the identified of audio equipment (see fig.1,4 and col.4 lines 14-28,col.8 lines 1- 45).

Re claim 6, as discussed above with respect to claim 5, Wu further discloses the processing element (i.e. base station 10 of fig.1,3) is processed to send content signal

(coded tone) which is represented audio equipment (5) like compact disc players, satellite audio and video receivers, computers) (i.e. multimedia object) and received content signal comprising identification which presented the audio equipment (i.e. multimedia object) (see fig.1,3,4 and col.2 lines 30-64, col.4 lines 23-28,col. 5 lines 18-23).

Re claim 7, 13, Wu discloses an apparatus of remote station terminal (25 of fig.4) and a method of synchronization comprising (see fig.1,2a) :

a controller (129 of fig.4) is processed to receive content signal (i.e. audio) over an audio channel (i.e. audio data stream 12) via antenna (see fig.1,4 and col.2 lines 29-44),

wherein the content signal (audio) selectively comprises timing, identification, and control message to form a content signal (i.e. coded tone) for voice communication, the packet or content signal being representative of at least one audio equipment (5) like compact disc players, satellite audio and video receivers, computers (i.e. multimedia object) (see fig.1,2 and col.2 lines 36-39, col.4 lines 14-28),and

wherein the controller (129) is processed to communicate with a frame format (121 of fig.4) for synchronization such that, when the audio comprises at least one content signal (coded tone), the frame format (i.e. synchronization agent) is configured to decode the content signal (i.e. coded tone) by modulation circuits (125 of fig.4, col.8 lines 32-45) to thereby identify the multimedia object (i.e. audio equipment (5) like compact disc players, satellite audio and video receivers, computers) and thereafter to

present the identified audio equipment (5) like compact disc players, satellite audio and video receivers, computers i.e. multimedia object (see fig.1,4 and col. 2 lines 45-64, col.5 lines 44 -56, col.6 lines 21-28).

Re claim 8,14, as discussed above with respect to claim 7,13, Wu further discloses the remote station terminal (25 of fig.4) is configured to receive an audio (i.e. content signal) (see fig.1,4) during an exchange of audio communication between the base station(10) (i.e. primary communication system) and the remote station (25) (i.e. mobile terminal) over the audio channel (i.e. audio data stream 12) (see fig.1,3,4 and col.2 lines 29-44).

Re claim 9,15, as discussed above with respect to claim 8,14, Wu further discloses the remote station terminal (25 of fig.4) comprising controller (129 of fig.4) is processed to receive a content audio signal (i.e. coded tone) represents audio equipment (5) like compact disc players, satellite audio and video receivers, computers) i.e. multimedia object (see fig.1,2a,3,4 and col. 5 lines 18-23) and audio equipment (5) presented by the base station (10) during the exchange of audio communication control message and acknowledgement of receipt between the remote station (25) and base station (10) (see fig.1 and col.3 lines 9-15).

Re claim 10, 16, as discussed above with respect to claim 9, 15,Wu further discloses the remote station terminal (25 of fig.4) is comprising controller (129 of fig.4) is

processed to receive content audio signal (i.e. coded tone) from the base station (i.e. primary communication system) and base station (10) sent content signal in response to present the audio equipment (see fig.1,2a and col.2 lines 30-64, col.4 lines 23-28,col. 5 lines 18-23).

Re claim 11, 17, as discussed above with respect to claim 7,13, Wu further discloses the remote station terminal (25 of fig.4) is comprising a buffer memory (110 of fig.4) is processed to store a content signal information of audio equipment (5) like compact disc players, satellite audio and video receivers, computers (see fig.1,4 and col. 5 lines 18-23, col.8 lines 1-16);

Wherein the controller (129 of fig.4) is processed to retrieve by block recovery circuits (106 of fig.4), from buffer memory (110 of fig.4), the identified the audio equipment (i.e. multimedia object) before presenting the identified of audio equipment (see fig.1,4 and col.4 lines 14-28,col.8 lines 1-45).

Re claim 12,18, as discussed above with respect to claim 11,17, Wu further discloses the remote station terminal (25 of fig.4) is comprising controller (129 of fig.4) is processed to receive a content audio signal (i.e. coded tone) and thereafter storing in the buffer memory (110 of fig.4), the identified the audio equipment (i.e. multimedia object) before presenting the identified of audio equipment (see fig.1,4 and col.4 lines 14 -28, col.8 lines 1-45).

Re claim 19, Wu discloses a communication system comprising base station (10 of fig.3) and remote station terminal (25 of fig.4) and a method of synchronization audio equipment (5 of fig.1) (i.e. multimedia object) wherein computer program product comprising computer readable storage medium buffer memory (110 of fig.4) having control code (88 of fig.3) and controller execute the program code (see fig.1,2,3,4) (i.e. it is an inherent that computer program have a program code and memory for storing the product code and execute the program code in the mobile communication system) comprising:

a controller (129 of fig.4) is processed to receive a content signal (i.e. audio) over an audio channel (i.e. audio data stream 12) at remote station (25) (see fig.1,4 and col.2 lines 29-44),

wherein the content signal (audio) selectively comprises timing, identification, and control message to form a packet or content signal (i.e. coded tone), the packet or content signal being representative of at least one audio equipment (5) like compact disc players, satellite audio and video receivers, computers (i.e. multimedia object) (see fig.1,2 and col.2 lines 36-39, col.4 lines 14-28), and

wherein the controller (129) is configured to decode by the decoder (30) of mobile terminal with a frame format (121 of fig.4) for synchronization such that, when the audio comprises at least one content signal (coded tone),

mobile terminal's frame format (i.e. synchronization agent) is configured to decode the content signal (i.e. coded tone) by modulation circuits (125 of fig.4, col.8 lines 32-45) to thereby identify the multimedia object (i.e. audio equipment (5) like

compact disc players, satellite audio and video receivers, computers) and thereafter driven controller (129) to present the identified audio equipment (5) like compact disc players, satellite audio and video receivers, computers (i.e. multimedia object) (see fig.1,4 and col.2 lines 45-64, col.5 lines 44 -56, col.6 lines 21-28).

Re claim 20, as discussed above with respect to claim 19, Wu further discloses the remote station terminal (25 of fig.4) is configured to receive an audio (i.e. content signal) (see fig.1,4) during an exchange of audio communication between the base station(10) (i.e. primary communication system) and the remote station (25) (i.e. mobile terminal) over the audio channel (i.e. audio data stream 12) (see fig.1,3,4 and col.2 lines 29-44).

Re claim 21, as discussed above with respect to claim 20, Wu further discloses the remote station terminal (25 of fig.4) comprising controller (129 of fig.4) is configured to present content audio signal (i.e. coded tone) which represents audio equipment (5) like compact disc players, satellite audio and video receivers, computers) i.e. multimedia object (see fig.1,2a,3,4 and col. 5 lines 18-23) and audio equipment (5) presented by the base station (10) during the exchange of audio communication control message and acknowledgement of receipt between the remote station (25) and base station (10) (see fig.1 and col.3 lines 9-15).

Re claim 22, as discussed above with respect to claim 21, Wu further discloses the remote station terminal (25 of fig.4) is comprising controller (129 of fig.4) is configured to receive content audio signal (i.e. coded tone) from the base station (i.e. primary communication system) and base station (10) sent content signal in response to present the audio equipment (see fig.1,2a and col.2 lines 30-64, col.4 lines 23-28,col. 5 lines 18-23).

Re claim 23, as discussed above with respect to claim 19, Wu further discloses the remote station terminal (25 of fig.4) is comprising a buffer memory (110 of fig.4) for storing a content signal information of audio equipment (5) like compact disc players, satellite audio and video receivers, computers (see fig.1,4 and col. 5 lines 18-23, col.8 lines 1-16);

Wherein the controller (129 of fig.4) is configuring to retrieve block recovery circuits (106 of fig.4), from buffer memory (110 of fig.4), the identified the audio equipment (i.e. multimedia object) before presenting the identified of audio equipment (see fig.1,4 and col.4 lines 14-28,col.8 lines 1-45).

Re claim 24, as discussed above with respect to claim 23, Wu further discloses the remote station terminal (25 of fig.4) is comprising controller (129 of fig.4) is configuring to retrieve the content audio signal (i.e. coded tone) at remote station (25) and thereafter storing in the buffer memory (110 of fig.4), the identified the audio

equipment (i.e. multimedia object) before presenting the identified of audio equipment (see fig.1,4 and col.4 lines 14-28,col.8 lines 1-45).

Re claims 25, 26, 27 and 28 as discussed above with respect to claim 1,7,13,19 and Wu further discloses the processing elements (encoder/decoder, controller, see fig.1,4) is configured to send the audio content signal to the remote station terminal (25 of fig.4) for ouit put of the mobile terminal (25) and mobile terminal (25) includes an infrared sensor for detecting audio signal and audio content signal comprising identification, control message, timing(coded tone) for outputting the audio 9see fig.1,2,4 and col.4 lines 44-57).

Conclusion

6. The amendment necessitated the new ground(s) of rejection presented in this office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP 706.07(a).

Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a). A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire

later than SIX MONTHS from the mailing date of this final action.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Muhammad Akbar whose telephone number is (571)-270-1218. The examiner can normally be reached on Monday- Thursday (8:30 A.M.-6:00P.M.).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lana Le can be reached on 571-272-7891. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Muhammad Akbar/
Examiner, Art Unit 2618

/Lana N. Le/
Acting SPE of Art Unit 2618